

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SCOTT C. SMITH,

Plaintiff,

v.

LT. GREY, *et al*,

Defendants.

Case No. C07-5108FDB-KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On March 6, 2007, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was

1 confined.

2 With his application, plaintiff filed a one-page "PLRA In Forma pauperis Status Report," which  
3 indicated he had average monthly receipts totaling \$583.05 and an average spendable balance of \$19.23 for  
4 the months of August 2006 through January 2007. Plaintiff states in his application that he receives gifts  
5 "around the holidays" from family and friends in "consistent unknown amounts." However, given the fact  
6 that plaintiff has been receiving nearly \$600.00 per month in monthly receipts, the Court requires him to  
7 submit a more detailed statement showing the balance and activity of his account for the six-month period  
8 immediately preceding the filing of his complaint.

9 Accordingly, the Court orders the following:

10 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than April 15, 2007**, a  
11 copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the  
12 balance and activity of his account(s) for the six-month period immediately preceding the  
13 filing of his complaint.

14 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**  
15 **prosecute this matter and the Court will recommend dismissal of this matter.**

16 (2) The Clerk is directed to send a copy of this Order to plaintiff.

17 DATED this 15th day of March, 2007.

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21 Karen L. Strombom  
22 United States Magistrate Judge  
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